

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:02-cr-00158-FDW

UNITED STATES OF AMERICA,)	
)	
vs.)	
)	
(11) TELLY SAVALAS ARMSTRONG,)	ORDER
)	
Defendant.)	
_____)	

THIS MATTER is before the Court on Defendant's pro se Motion to File Excess Pages (Doc. Nos. 121), Motions for Appointment of Counsel (Doc. No. 120, 122), and Motion for Compassionate Release (Doc. No. 123).

The Court hereby ORDERS the Government to respond to Defendant's Supplemental Motion for Compassionate Release (Doc. No. 123) when it responds to Defendant's Motions for Reduced Sentence under the First Step Act and for Compassionate Release. (Doc. Nos. 110, 118). The Government shall have **thirty (30) days** from the date of this Order, to file its response to all three Motions (Doc. Nos. 110, 118, 123), with the Court. All other terms previously ordered will remain the same. The Government shall advise the United States Probation Office if the Government believes a supplemental Presentence Investigation Report will be required.

In respect to Defendant's Motion to File Excess Pages (Doc. No. 121), the motion is GRANTED.

With respect to the Motions to Appoint Counsel (Doc. No. 120, 122), criminal defendants do not have a right to counsel beyond their first appeal. E.g., United States v. Kenny, No. 3:01-cr-00185-FDW, 2020 WL 2094116, at *1 (W.D.N.C. Apr. 30, 2020); United States v. Ismel, No.


3:94-CR-00008-1, 2012 WL 113392, at *1 (W.D. Va. Jan. 13, 2012). Defendant has not shown extraordinary circumstances warranting the appointment of counsel at this time. The Motion (Doc. No. 120, 122) are therefore DENIED.

IT IS, THEREFORE, ORDERED:

- The Government shall respond to Defendant's Motions for Reduced Sentence under the First Step Act and Compassionate Release (Doc. Nos. 110, 118, 123) within **thirty (30) days** from the date of this Order.
- The Defendant's Motion to File Excess Pages (Doc. No. 121) is GRANTED.
- The Defendant's Motion to Appoint Counsel (Doc. No. 120, 122) are DENIED.

IT IS SO ORDERED.

Signed: November 5, 2020


Frank D. Whitney
United States District Judge

SEALED DOCUMENT with access to Court Only.